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Date: December 3, 2003
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From: Name: Manu Kashyap, Intellectual Property Paralegal
Corporate Legal Dept.
Telephone: (408) 433-7475
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Re: 10/002,672

Number of Pages Including this Page 5

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MESSAGE:

Response to Restriction Requirement.

Group Art Unit: 2653

Examiner: Aristotelis M. Psitos

Serial No.: 10/002,672

Filing Date: 10/23/01

Please notify us immediately if any pages are not received.

PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/002,672
Filing Date	10/23/01
First Named Inventor	Stephen Williams et al.
Art Unit	2653
Examiner Name	Aristotellis M. Psitos
Attorney Docket Number	00-507

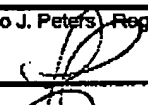
Total Number of Pages in This Submission

4

ENCLOSURES (Check all that apply)

- | | | |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance communication to Technology Center (TC) |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | Remarks | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | Response to Restriction Requirement | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Leo J. Peters, Reg. No.: 33,562 (408) 433-4578
Signature	
Date	December 3, 2003

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Manu Kashyap
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Signature



Date 12/03/03

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Stephen Williams et al.
Serial Number: 10/002,672
Filed: October 23, 2001
Title: Header Detect Configuration Within a DVD-RAM
Read Device And Methods of Acquiring And
Maintaining Phase Lock In A Wobble Phase Lock
Loop
Examiner: Aristotelis M. Psitos
Group Art Unit: 2653
Attorney Docket: 00-507

AMENDMENT

Box Non-Fee-Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, CA 22313-1450

Sir:

This amendment is filed in response to the Office Action dated November 26, 2003.

REMARKS

Claims 1-19 are in the case and subject to a restriction requirement. Applicants hereby elect with traverse to prosecute the claims of group I, including claims 1-15, drawn to an optical servo system, classified in class 369, subclass 47.28. Thus, claims 16-19, drawn to an optical header detection circuitry, classified in class 369, subclass 59.19, are withdrawn from consideration. Reconsideration is requested.

However, restriction is not required by 35 U.S.C. § 121, as suggested in the office action. Congress wisely granted the *discretion* to restrict applications. According to 35 U.S.C. § 121 "... the Commissioner ~~may~~ require the application to be restricted...." (emphasis added). Likewise, MPEP § 803 lists two criteria that must be present for restriction to be proper:

1. The invention must be independent or distinct; and
2. There must be a serious burden on the examiner if restriction is not required.

In searching the Group I claims, the class and subclass for the Group II claims will undoubtedly be searched, to ensure that no relevant art is overlooked. For this reason there is no significant burden on the examiner, and certainly no serious burden as required by MPEP § 803. In fact, maintaining the requirement for restriction not only burdens applicants with the additional costs associated with filing and prosecuting separate patent applications, but also requires the examiner to duplicate efforts by examining multiple applications of closely related inventions. Such practice not only wastes public and private funds and Patent Office resources, but also leads to the possibility of inconsistent examinations of closely related inventions. Accordingly, applicants respectfully request that the examiner reconsider and withdraw the restriction requirement.

In light of the foregoing, applicants respectfully submit that a full and complete response to the office action is provided herein, and request that the application proceed to examination.

In the event this response is not timely filed, applicants hereby petition for the appropriate extension of time and request that the fee for the extension along with any other fees which may be due with respect to this paper be charged to deposit account 12-2252.

Sincerely,

LSI LOGIC CORPORATION



By: Leo J. Peters, 33,562

LSI Logic Corporation
1621 Barber Lane, MS D-106
Milpitas, CA 95035
(408) 433-4578

12/03/2003

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Manu Kashyap